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U.S. DISTRICT COURT
DISTRICT OF MASS

A PROFESSIONAL CORPORATION

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EPHRAIM MARTIN (1927-1988)
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*ALSO ADMITTED IN CT
**ALSO ADMITTED IN PA
+ALSO ADMITTED IN RI
+ALSO ADMITTED IN DC
+ALSO ADMITTED IN NY
+ALSO ADMITTED IN OH

June 6, 2005

Civil Clerk's Office
United States District Court
For The District Of Massachusetts
John Joseph Moakley U.S. Courthouse
1 Courthouse Way
Boston, MA 02210

Attn: Lisa Urso
Clerk to Judge Zobel

Re: Timothy P. Kearney, Jr., Pro Se
Vs.: The May Department Stores a.k.a Filene's, et al
C. A. No.: 05-10095-RWZ

Dear Ms. Urso:

We are local counsel for the defendants in the above matter. We have filed a motion to admit Attorney Michael Franklin of the May Department Stores, pro hac vice as counsel for the defendants. Said motion is pending.

The reason for this letter is as follows. A Rule 16 Conference is scheduled for June 15, 2005. Attorney Franklin must be in Los Angeles, CA on said date in connection with a previously scheduled matter, and he is therefore unable to be in Boston for this case on June 15.

We plan to attend/participate in the Rule 16 conference on behalf of all defendants and we are writing to inquire if proceeding in this fashion is agreeable with the Court. In the event that the Court requires Attorney Franklin to participate, it may be that arrangements could be made for him to participate via telephone.

We would appreciate your courtesy in advising us as to how the Court wants to proceed.

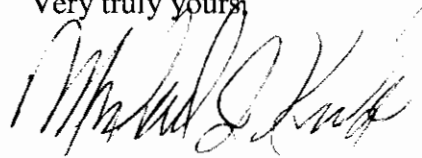
MARTIN, MAGNUSON, McCARTHY & KENNEY

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June 6, 2005

Thank you for your courtesy.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael J. Keefe", written in a cursive style.

Michael J. Keefe

MJK/jh

Enclosure

cc: Timothy P. Kearney, Jr., Pro Se
Michael Franklin, Esq.